

## Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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RSR-01 /084 W

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R 250430Z AUG 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7568

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

AMEMBASSY KUALA LUMPUR

AMEMBASSY TAIPEI

AMEMBASSY TOKYO

CINCPAC

CINCPACREPPHIL

13TH AF

C O N F I D E N T I A L MANILA 9766

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, PINS, RP

SUBJECT: MILITARY TRIAL OF SENATOR AQUINO FOR SUBVERSION

SUMMARY: FORMER SENATOR AQUINO, WHO HAS BEEN INCARCERATED WITHOUT CHARGES FOR ELEVEN MONTHS, WILL BE TRIED BEGINNING AUG 27 AT PUBLIC SESSIONS OF MILITARY TRIBUNAL FOR ILLEGAL POSSESSION OF FIREARMS, MURDER AND SUBVERSION. SUBVERSION ACCUSATIONS AGAINST AQUINO ARE NOT NEW AND MAY HAVE SOME BASIS IN FACT. WHILE MAXIMUM PENALTY IS DEATH, IT DOUBTFUL THAT MARCOS WOULD GO THIS FAR AGAINST HIS PRINCIPAL FORMER POLITICAL OPPONENT. END SUMMARY.

1. DEPT NATIONAL DEFENSE ANNOUNCED AUG 23 THAT MILITARY TRIAL OF FORMER SENATOR BENIGNO S. AQUINO, JR., IMPRISONED  
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SECRETARY-GENERAL OF LIBERAL PARTY (LP) AND MARCOS ARCH-

RIVAL, WILL BEGIN AUG 27. AQUINO IS CHARGED WITH ILLEGAL POSSESSION OF FIREARMS, MURDER AND FOUR COUNTS OF VIOLATING THE ANTI-SUBVERSION ACT, AND FURTHER CHARGES ARE REPORTEDLY UNDER STUDY. HE WILL BE TRIED BY MILITARY TRIBUNAL NO. 2, HEADED BY RESPECTED BRIG GEN JOSE SYJUCO, AT NATIONAL DEFENSE COLLEGE AT FORT BONIFACIO, OF WHICH SYJUCO IS PRESIDENT. LOCAL PRESS REPORTS THAT SEC NATIONAL DEFENSE JUAN PONCE ENRILE SAID TRIAL WILL BE OPEN TO PUBLIC. AQUINO WILL BE DEFENDED BY WIDELY-RESPECTED FORMER LP SENATORS ROXAS, TANADA, SALONGA AND RODRIGO AMONG OTHERS; INITIAL ACTION OF LAWYERS WAS TO FILE PETITION BEFORE SUPREME COURT REQUESTING RESTRAINING ORDER AND/OR INJUNCTION AGAINST MILITARY TRIAL.

2. TRIAL WILL OPEN ON AUG 27 WITH ARRAIGNMENT OF AQUINO ON WEAPONS CHARGE AND WILL CONTINUE ON THRICE-WEEKLY SCHEDULE UNTIL COMPLETED. AQUINO IS ACCUSED OF ILLEGALLY POSSESSING VARIOUS ARMS, INCLUDING MACHINE GUNS, HIGH-POWERED RIFLES AND HAND GRENADES.

3. THERE ARE FOUR COUNTS OF SUBVERSION. IN ONE AQUINO IS CHARGED WITH PROVIDING WEAPONS, AMMUNITION AND OTHER SUPPLIES TO NEW PEOPLE'S ARMY (NPA) HEAD BARNABE BUSCAYNO (AKA COMMANDER DANTE) AND OTHER NPA LEADERS BETWEEN 1965 AND 1969; GIVING SHELTER AND MEDICAL ASSISTANCE TO TEN HMB/NPA PERSONNEL IN 1970 AND 1971; AND DONATING 15,000 PESOS IN APRIL 1969 TO NPA TO ORGANIZE DEMONSTRATIONS WHICH TOOK PLACE SAME MONTH BEFORE CONGRESS, MALACANANG PALACE AND AMERICAN EMBASSY. TWO OTHER SUBVERSION CASES ALSO CHARGE AQUINO WITH PROVIDING WEAPONS TO NPA MEMBERS. FOURTH SUBVERSION CASE CHARGES HIM WITH GIVING FORMER PHIL CONSTABULARY LT. VICTOR CORPUS 500 PESOS TO RENT CAR USED IN DEC 1970 RAID ON PHIL MILITARY ACADEMY ARMORY. SUBVERSION CHARGES ARE ALSO BROUGHT AGAINST DANTE, CORPUZ AND SEVERAL OTHER NPA PERSONNEL, IN ADDITION TO AQUINO IN THESE SAME CASES.

4. ON MURDER CHARGE, AQUINO IS CHARGED WITH CONSPIRING TO KILL A BARRIO CAPTAIN IN 1957 IN HIS HOME PROVINCE OF TARLAC; THERE REPORTS THIS CHARGE MAY HAVE BEEN DROPPED. CONFIDENTIAL

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5. COMMENT: ACCUSATIONS AGAINST AQUINO FOR PLOTTING WITH AND ASSISTING COMMUNIST DISSIDENTS ARE NOT NEW. PRESIDENT MARCOS AIRED SIMILAR ALLEGATIONS AFTER AUG 1971 SUSPENSION OF WRIT OF HABEAS CORPUS AND IN MID-SEPTEMBER 1972, ONLY A FEW DAYS BEFORE DECLARING MARTIAL LAW; HOWEVER, THIS IS FIRST TIME THAT ACTUAL CHARGES HAVE BEEN FILED. WHILE AQUINO CONSISTENTLY DENIED CHARGES OF SUB-

VERSION PUBLICLY BEFORE HIS ARREST ON SEPT 23, 1972, HE MADE NUMEROUS STATEMENTS IN PRIVATE, TO EMBOFFS AND OTHERS, THAT SUGGESTED HE HAD CLOSE CONNECTIONS TO THE NPA. DANTE AND CORPUZ TO BE TRIED IN ABSENTIA; STRATEGY OF INVOLVING AQUINO IN THEIR TRIAL DESIGNED TO STRENGTHEN IMPRESSION HE A SUBVERSIVE AND TO UNDERCUT HIS POLITICAL POPULARITY.

6. LAWYERS FOR AQUINO ARE HIGHLY-QUALIFIED AND THEY AND THE FORMER SENATOR HIMSELF CAN BE EXPECTED TO MAKE A STRONG DEFENSE. IT WILL INTERESTING TO SEE HOW LONG TRAIL REMAINS PUBLIC.

7. MAXIMUM PENALTY UNDER 1957 ANTI-SUBVERSION ACT, WHICH OUTLAWS COMMUNIST PARTY IN PHILS IS DEATH. HOWEVER, IT UNLIKELY MARCOS WILL RISK MAKING MARTYR OF AQUINO. MARCOS' INTENTIONS APPEAR TO BE TARNISHING OF AQUINO'S POLITICAL IMAGE AND LEGALIZING HIS CONTINUED DETENTION. SULLIVAN

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